

Appl. No.10/085,612  
Amendment dated January 7, 2005  
Reply to Advisory Action mailed December 30, 2004

### Remarks/Arguments

#### Amendments to the Claims

The above amendment clarifies the scope of Claims 17, 18, 22, 25, 26, 35, 36, 38, 43, and 44 by removing the optional steps relating to association of the polymorphism in SEQ ID NO:4 with reduced metabolism of a CY3A5 substrate. Support for the amended claims is found in the specification, *inter alia*, at p. 14, line 27 to p. 15, line 1 and p. 22, line 26 to p. 3, line 2.

#### Rejections Under 35 USC §112, Second Paragraph

Claims 17, 18, 22, 25, 26, and 35-44 were rejected in the Final Rejection mailed November 12, 2004 under the second paragraph of 35 USC §112 for alleged indefiniteness of several phrases in the claims. In Applicants first response to the Final Rejection, Applicants submitted claim amendments intended to clarify each allegedly indefinite phrase. The Advisory Action mailed December 30, 2004 stated those amendments would not be entered because they failed to place the claims in condition for allowance. The specific reasons cited in the Advisory Action for such failure were: (1) that the amended steps that required "determining the presence or absence of a G at nucleotide 1037 in SEQ ID NO:4 were still indefinite; (2) that there was no antecedent basis for the phrase directed to the same polymorphism in claim 18; and (3) there was a typographical error in claim 18.

The newly proposed claim amendments are substantially similar to the previous, non entered amendment with the following notable exceptions: (a) they delete the optional steps that contained the phrase referred to in reasons (1) and (2) above; and (b) the amendment to claim 18 corrects the typographical error noted in reason (3) above. Applicants respectfully submit that the currently proposed claim amendments place the claims in condition by allowance by addressing all the reasons cited in the Final Rejection and Advisory Action for finding indefinite the pending claims and the previously proposed amendments thereto. Therefore, Applicants respectfully request entry of the present amendment and withdrawal of the rejection of the claims under 35 USC §112, second paragraph.

Applicants respectfully submit that the application is in condition for allowance. Should any questions remain, it is respectfully requested that Applicants undersigned Attorney be contacted at the number indicated below so that any remaining issues can be resolved in an

Appl. No.10/085,612  
Amendment dated January 7, 2005  
Reply to Advisory Action mailed December 30, 2004

expeditious manner.

Respectfully submitted,

January 7, 2005  
Reg. No. 37,848  
Tel. No. 203-786-3421  
m.henderson@genaisance.com

Melodie W. Henderson  
Melodie W. Henderson  
Genaisance Pharmaceuticals, Inc.  
Five Science Park  
New Haven, CT 06511